

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-12199-MLW**

Glawson v. Keaton et al  
Assigned to: Chief Judge Mark L. Wolf  
Case in other court: First Circuit, 06-01718  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/15/2004  
Date Terminated: 06/29/2007  
Jury Demand: Plaintiff  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Richard D. Glawson**

represented by **Richard D. Glawson**  
P.O. Box 100  
Boston, MA 02071  
PRO SE

V.

**Defendant**

**Robert Keaton**

**Defendant**

**Robert C. Cosgrove**  
*TERMINATED: 07/31/2006*

represented by **Susanne G. Reardon**  
Office of the Attorney General  
Trial Division  
One Ashburton Place  
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Boston, MA 02108  
617-727-2200  
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Email: susanne.reardon@state.ma.us  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**William R. Keaton**

**Defendant**

**P. Casey**

Date Filed	#	Docket Text
10/15/2004	<u>31</u>	MOTION for Leave to Proceed in forma pauperis by Richard D. Glawson.(Jenness, Susan) (Entered: 10/20/2004)

10/15/2004	<u>2</u>	COMPLAINT Filing fee: \$ 0.00, receipt number 0.00, filed by Richard D. Glawson.(Jenness, Susan) (Entered: 10/20/2004)
10/15/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Jenness, Susan) (Entered: 10/20/2004)
01/07/2005	<u>3</u>	Judge Mark L. Wolf : MEMORANDUM AND ORDER entered denyin <u>1</u> Motion for Leave to Proceed in forma pauperis without prejudiceto refiling with a copy of his certified prison account statement within forty two (42) days of the date of this Memorandum and Order. If plaintiff wishes to proceed with this action, he shall file, within forty-two (42) days of the date of this Memorandum and Order, a new Application to Proceed Without Prepayment of Fees accompanied by a certified copy o his institutional account statement for the six-month period preceding the filing of the complaint. The Clerk sent plaintiff an Application to Proceed Without Prepayment of Fees and Affidavit with a copy of the Memorandum and Order. (Morse, Barbara) (Entered: 01/10/2005)
01/10/2005		Set Deadlines/Hearings: Plaintiff to file new fee-waiver application with prison account statement by 2/18/2005. (Morse, Barbara) (Entered: 01/10/2005)
01/25/2005	<u>8</u>	MOTION for Leave to Proceed in forma pauperis by Richard D. Glawson accompanied by inmate transaction report. Submitted in response to the January 7th Memo and Order (Docket No. 3).(Morse, Barbara) (Entered: 05/12/2005)
02/01/2005	<u>4</u>	Letter/request from Abelaziz Bennour requesting that he be appointed new counsel. FILED. (Boyce, Kathy) Modified on 5/12/2005 for the docket to reflect that his Letter was incorrectly docketed in this case and should have been docketed in CA. 04-12149. (Boyce, Kathy). (Entered: 02/04/2005)
02/02/2005	<u>5</u>	NOTICE of Change of Address by Petitioner Richard D. Glawson, FILED. (Boyce, Kathy) (Entered: 02/04/2005)
02/23/2005	<u>6</u>	MOTION for Clarification by Richard D. Glawson, FILED, c/s.(Boyce, Kathy) (Entered: 02/25/2005)
04/26/2005	<u>7</u>	NOTICE of Change of Address by Richard D. Glawson (O'Leary, Dennis) (Entered: 04/29/2005)
05/12/2005		Notice of correction to docket made by Court staff. Correction: Document 4, Letter, corrected because: the Letter was docketed in the wrong civil action. It should have been docketed in C.A. 04-12149-MLW (Boyce, Kathy) (Entered: 05/12/2005)
08/06/2005	<u>9</u>	Judge Mark L. Wolf : ORDER entered granting <u>8</u> Motion for Leave to Proceed in forma pauperis. An initial partial filing fee of: \$3.10 due within ten (10) business days of receipt of this notice and the remainder of fee [\$146.90] to be paid in accordance with 28 U.S.C. section 1915(b) (2) in monthly payments of 20% of the preceding month's income

		credited to the prisoner's account each time the amount in the account exceeds \$10.00 until the filing fee is paid. Summonses shall NOT issue pending the completion of screening on the merits pursuant to 28 U.S.C. sections 1915(e)(2) and/or 1915A: (PSSA4, ) (Entered: 08/09/2005)
08/09/2005	10	NOTICE: re payment of fee (prisoner filer) issued to the Treasurer at Bridgewater State Hospital (PSSA4, ) (Entered: 08/09/2005)
08/15/2005	11	Letter to Cashier from Evelyn Smith, Treasurer, Dept. of Correction stating that Richard Glawson re Petitioner's income status, FILED. (Boyce, Kathy) (Entered: 08/22/2005)
08/30/2005	12	Inmate Transaction Report dated 8/17/05 submitted by Richard Glawson filed pursuant to the 8/6/05 Order. FILED. (Boyce, Kathy) (Entered: 09/08/2005)
09/29/2005	13	Judge Mark L. Wolf : ORDER entered denying without prejudice <u>6</u> Motion for Clarification (PSSA4) (Entered: 09/29/2005)
09/29/2005	14	Judge Mark L. Wolf : ORDER ON SCREENING PURSUANT TO SECTIONS 1915(e)(2) AND/OR 1915A entered. The Clerk shall issue summonses and the United States Marshal serve a copy of the complaint summons and this order as directed by the plaintiff with all costs of service to be advanced by the United States. If the defendant(s) have been served with a summons and complaint, the defendants are required to reply within the time specified in the summons.(PSSA4) (Entered: 09/29/2005)
09/29/2005		Summons Issued as to Robert Keaton, Robert C. Cosgrove, William R. Keaton, P. Casey. Mailed to plaintiff with USM 285 forms, Notice re: service by U.S. Marshal (USM) and L.R. 4.1. (PSSA4) (Entered: 09/29/2005)
10/31/2005		Pltf Richard Glawson inadvertently forwarded summonses and Marshals Process Receipt and Return Forms to the Clerk's Office - Summonses and Forms hand delivered to US Marshals Office this day (Boyce, Kathy) (Entered: 10/31/2005)
11/10/2005	15	US Marshal Process Receipt and Returned Unexecuted as to William R. Keaton marked unable to serve at address given (Boyce, Kathy) (Entered: 11/15/2005)
11/18/2005	16	Summons Returned Unexecuted as to Robert Keaton (Receptionist at the Norfolk DA Office says no such person works there) (Boyce, Kathy) (Entered: 11/22/2005)
11/18/2005	17	US Marshal Process Receipt and Return for Summons and Complaint. Robert C. Cosgrove served Delivered on 11/17/05 (Boyce, Kathy) (Entered: 11/22/2005)
11/18/2005	18	Summons Returned Unexecuted by Richard D. Glawson as to P. Casey (Marshals Return and Receipt marked on 11/17/05: Retired No Longer There (Boyce, Kathy) (Entered: 11/28/2005)



12/05/2005	<u>19</u>	MOTION for Extension of Time to 12/21/05 to File Response/Reply b Robert C. Cosgrove.(Reardon, Susanne) (Entered: 12/05/2005)
12/09/2005		Judge Mark L. Wolf : Electronic ORDER entered granting <u>19</u> Motion for Extension of Time to File Response/Reply re <u>19</u> MOTION for Extension of Time to 12/21/05 to File Response/Reply (O'Leary, Dennis) (Entered: 12/09/2005)
12/21/2005	<u>20</u>	MOTION to Dismiss by Robert C. Cosgrove.(Reardon, Susanne) (Entered: 12/21/2005)
12/21/2005	<u>21</u>	MEMORANDUM in Support re <u>20</u> MOTION to Dismiss filed by Robert C. Cosgrove. (Reardon, Susanne) (Entered: 12/21/2005)
01/11/2006	<u>22</u>	Opposition re <u>20</u> MOTION to Dismiss filed by Richard D. Glawson. (Jones, Sherry) (Entered: 01/13/2006)
02/27/2006		Judge Mark L. Wolf : Electronic ORDER entered granting <u>20</u> Motion to Dismiss. As this motion is not opposed and, in any event, appears meritorious, it is hereby ALLOWED. This case is DISMISSED as against Cosgrove. (O'Leary, Dennis) (Entered: 02/27/2006)
02/27/2006	<u>23</u>	Judge Mark L. Wolf : ORDER entered. JUDGMENT in favor of Robert Cosgrove only against Richard D. Glawson(O'Leary, Dennis) (Entered: 02/27/2006)
03/14/2006	<u>24</u>	NOTICE OF APPEAL as to <u>23</u> Judgment, Order on Motion to Dismiss by Richard D. Glawson. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/3/2006. (Attachments: # <u>1</u> 2/27/06 Judgment and Endorsed Order# <u>2</u> request for assembly of the record)(Boyce, Kathy) (Entered: 03/15/2006)
03/14/2006	<u>25</u>	MOTION for Ruling of Laws and Findings of Fact by Richard D. Glawson, FILED, c/s.(Boyce, Kathy) (Entered: 03/15/2006)
03/16/2006		Civil Case Terminated. (O'Leary, Dennis) (Entered: 03/16/2006)
04/24/2006	<u>26</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re <u>24</u> Notice of Appeal, (Attachments: # <u>1</u> )(Ramos, Jeanette) (Entered: 04/24/2006)
05/03/2006	<u>27</u>	USCA Case Number 06-1718 for <u>24</u> Notice of Appeal, filed by Richard D. Glawson,. (Ramos, Jeanette) (Entered: 05/03/2006)
07/17/2006	<u>28</u>	Filing fee: \$.29, receipt number 321 73758 for <u>2</u> Complaint (Boyce, Kathy) Additional attachment(s) added on 7/18/2006 (Boyce, Kathy). (Entered: 07/18/2006)
11/30/2006	<u>29</u>	MANDATE of USCA as to <u>24</u> Notice of Appeal, filed by Richard D. Glawson, Appellant having failed to file a brief, it is hereby ordered the appeal be dismissed in accordance with Loc.R.45(a) and 3(b), (per

		Judgment of USCA entered 11/7/06)(Gawlik, Cathy) (Entered: 12/01/2006)
12/01/2006	30	Appeal Record Returned: <u>24</u> Notice of Appeal, (Gawlik, Cathy) (Entered: 12/01/2006)
02/14/2007	30	Judge Mark L. Wolf : ORDER entered. MEMORANDUM AND ORDER. Accordingly, it is hereby ORDERED that Plaintiff's Motion for Rulings of Laws and Findings of Fact, (Docket No. 25), is DENIED. (O'Leary, Dennis) (Entered: 02/14/2007)
02/27/2007	31	MOTION to Amend <u>2</u> Caption of Complaint by Richard D. Glawson, FILED.(Boyce, Kathy) (Entered: 02/27/2007)
02/27/2007	32	MOTION to Compel Interrogatories and Production of Documents, by Richard D. Glawson, FILED. (Attachments: # <u>1</u> Cover letter)(Boyce, Kathy) (Entered: 02/28/2007)
03/19/2007	33	MOTION for Court Order for Compliance of 1st set of interrogatories b Richard D. Glawson, filed. (Attachments: # <u>1</u> Letter to Suzanne Reardon re interrogatories# <u>2</u> 1st Interrogatories)(Boyce, Kathy) (Entered: 03/20/2007)
03/23/2007	32	Motion terminated: <u>32</u> MOTION to Compel terminated as the document was inaccurately e-filed as a motion as the document is a discovery request (Boyce, Kathy) (Entered: 03/23/2007)
03/23/2007	34	NOTICE of Clarification of the docket record by Richard D. Glawson, FILED. (Boyce, Kathy) (Entered: 03/23/2007)
03/23/2007	35	Letter/request (non-motion) from Richard Glawson, FILED. (Boyce, Kathy) (Entered: 03/23/2007)
05/11/2007	36	MOTION for Temporary Restraining Order by Richard D. Glawson. (Attachments: # <u>1</u> Attachment)(Boyce, Kathy) (Entered: 05/16/2007)
05/23/2007	37	Judge Mark L. Wolf : ORDER entered denying <u>36</u> Motion for TRO. The instant motion seeks to enjoin an action pending inSuffolk County prosecuted by the Suffolk County District Attorney'sOffice. Plaintiff's motion thus targets individuals who are notparties in this case. The court cannot grant a restraining orderagainst non-parties. Should plaintiff wish to continue his motion,he must file a new case naming the Suffolk County DistrictAttorney's Office and any relevant individuals as parties.Accordingly, plaintiff's Motion for Temporary Restraining Order (Docket No. 36) is hereby DENIED. (O'Leary, Dennis) (Entered: 05/23/2007)
05/24/2007	38	Judge Mark L. Wolf : ORDER entered. The complaint in the above-entitled action was filed onOctober 15, 2004. As of this date there has been no return to theCourt of proof of service of the summons and complaint to anyremaining parties, as required by Rule 4(m) of the Federal Rules ofCivil Procedure and Local Rule 4.1(b) of the Local Rules of thisCourt. Accordingly, it is hereby ORDERED that, pursuant to Rule 4(m),Fed. R. Civ. P., and Local Rule 4.1(b), the above-entitled actionwill

		be dismissed, without prejudice, in twenty (20) days from the date of the Order unless a proof of service is filed or good cause shown why service has not been made.(O'Leary, Dennis) (Entered: 05/24/2007)
05/31/2007	<a href="#"><u>39</u></a>	Letter to Chief Judge Wolf (non-motion) from Richard Glawson re his motion to compel, FILED. (Boyce, Kathy) (Entered: 06/04/2007)
06/05/2007	<a href="#"><u>40</u></a>	Letter from Richard Glawson requesting that he be mailed three summonses and three marshal service forms, FILED. (Boyce, Kathy) (Entered: 06/07/2007)
06/14/2007	<a href="#"><u>41</u></a>	MOTION to make service via 1st class mail by Richard D. Glawson, FILED.(Boyce, Kathy) (Entered: 06/15/2007)
06/14/2007	<a href="#"><u>42</u></a>	AMENDED COMPLAINT against P. Casey, received for filing by Richard D. Glawson.(Boyce, Kathy) (Entered: 06/15/2007)
06/29/2007	<a href="#"><u>43</u></a>	Case Reopened (O'Leary, Dennis) (Entered: 06/29/2007)
06/29/2007	<a href="#"><u>43</u></a>	Judge Mark L. Wolf : ORDER entered. ORDER DISMISSING CASE (O'Leary, Dennis) (Entered: 06/29/2007)
06/29/2007	<a href="#"><u>44</u></a>	Judge Mark L. Wolf : ORDER entered. JUDGMENT in favor of Defendants against Plaintiff(O'Leary, Dennis) (Entered: 06/29/2007)
07/10/2007	<a href="#"><u>45</u></a>	NOTICE OF APPEAL as to 44 Judgment, 43 Order Dismissing Case by Richard D. Glawson NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals.Appeal Record due by 7/30/2007. (Attachments: # 1 Order dated June 29, 2007)(Boyce, Kathy) (Entered: 07/11/2007)